

Order 2003-3-2

Served: March 5, 2003



**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Issued by the Department of Transportation
on the 5th day of March, 2003

Application of

CHAUTAUQUA AIRLINES, INC.

Docket OST-03-14553

for a disclaimer of jurisdiction or, alternatively,
approval of the transfer of authority under 49
U.S.C. 41105

**ORDER DISCLAIMING JURISDICTION
AND CONFIRMING ORAL ACTION**

Summary

By this order, we disclaim jurisdiction over the proposed reincorporation of Chautauqua Airlines, Inc. (Chautauqua) from a New York corporation to an Indiana corporation.

Request for Disclaimer

Chautauqua is an operating commuter air carrier under section 41738 of Title 49 of the United States Code ("the Transportation Code").¹ It was established as a New York corporation in 1973. On February 20, 2003, Chautauqua filed an application in Docket OST-03-14553 requesting that the Department disclaim jurisdiction over the transfer of the operating authority held by it to a newly formed Indiana corporation.

Chautauqua states that the transfer of operating authority is necessary to complete an intra-corporate reorganization for business and tax purposes and will involve no change in management, ownership, control, operations, financial condition, or citizenship of the carrier. Under the reorganization, Chautauqua's parent holding company (Republic Airways Holdings, Inc.) established a newly formed Indiana corporation into which Chautauqua will be merged, and the surviving company will also be called Chautauqua Airlines, Inc. The company has

¹ Chautauqua's effective authority was issued by Order 81-7-42 on July 8, 1981.

requested that the Department disclaim jurisdiction over this reorganization no later than February 27, 2003.

Decision

We have decided to disclaim jurisdiction over Chautauqua's reincorporation as an Indiana corporation. We have examined the information provided by Chautauqua in this proceeding and find that the proposed reincorporation will have no effect on the actual ownership, control, management, citizenship, financial condition, or operations of the carrier. In similar circumstances in the past, the Department has disclaimed jurisdiction based on the conclusion that such corporate reorganizations were found not to be transfers within the meaning of section 41105 of the Transportation Code.² We orally advised Chautauqua of this decision on February 26, 2003, which we confirm here.

ACCORDINGLY, Pursuant to authority assigned by the Department in its regulations, 14 CFR 385.12:

1. We confirm our oral action of February 26, 2003, and disclaim jurisdiction over the reincorporation of Chautauqua Airlines, Inc., a New York corporation, to Chautauqua Airlines, Inc., an Indiana corporation.
2. We will serve a copy of this order on the persons listed in Attachment A to this order.

Persons entitled to petition the Department for review of this order under the Department's Regulations, 14 CFR 385.50, may file their petitions within 10 days of the service date of this order.

The action confirmed by this order was effective when taken and the filing of a petition for review shall not alter its effectiveness.

By:

RANDALL D. BENNETT
Director
Office of Aviation Analysis

(SEAL)

*An electronic version of this document is available on the World Wide Web at
<http://dms.dot.gov>*

² See, for example, Order 96-4-18.

ATTACHMENT A

SERVICE LIST FOR CHAUTAUQUA AIRLINES, INC.

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